

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30th day of August, two thousand and six.

PRESENT:

HON. DENNIS JACOBS,
HON. ROBERT D. SACK,
HON. PETER W. HALL,
Circuit Judges.

Ci Shou Li,

Petitioner,

-v.-

No. 05-2405-ag
NAC

United States Department of Justice, Alberto R. Gonzales, United
States Attorney General,

Respondents.

FOR PETITIONER: David X. Feng, New York, New York.

FOR RESPONDENTS: Jimmy L. Croom, Assistant United States Attorney for the Western
District of Tennessee, Jackson, Tennessee.

UPON DUE CONSIDERATION of this petition for review from the Board of
Immigration Appeals (“BIA”), it is hereby ORDERED, ADJUDGED, AND DECREED that the

1 petition for review is DENIED.

2 Petitioner Ci Shou Li, a native and citizen of China, seeks review of an April 25, 2005
3 order of the BIA affirming the April 15, 2004 decision of Immigration Judge (“IJ”) William F.
4 Jankun denying the petitioner’s application for asylum, withholding of removal and relief under
5 the Convention Against Torture (“CAT”). *In re Ci Shou Li*, No. A79 408 009 (BIA Apr. 25,
6 2005), *aff’g* No. A79 408 009 (Immig. Ct. N.Y. City April 15, 2004).

7 This Court reviews the IJ’s decision where, as here, the BIA summarily affirms the IJ’s
8 decision without opinion. *See Twum v. INS*, 411 F.3d 54, 58 (2d Cir. 2005). This Court reviews
9 the agency’s factual findings, including adverse credibility determinations, under the substantial
10 evidence standard, treating them as “conclusive unless any reasonable adjudicator would be
11 compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B); *see, e.g., Zhou Yun Zhang v.*
12 *INS*, 386 F.3d 66, 73 & n.7 (2d Cir. 2004). However, we will vacate and remand for new findings
13 if the agency’s reasoning or its fact-finding process was materially flawed. *Cao He Lin v. U.S.*
14 *Dep’t of Justice*, 428 F.3d 395, 406 (2d Cir. 2005); *Tian-Yong Chen v. INS*, 359 F.3d 121, 129
15 (2d Cir. 2004); *see also Xiao Ji Chen v. U.S. Dep’t of Justice*, 434 F.3d 144, 158 (2d Cir. 2006)
16 (agreeing with this principle, but avoiding remand, in spite of deficiencies in an adverse
17 credibility determination, because it could be confidently predicted that the IJ would adhere to
18 the decision were the case remanded).

19 In this case, the IJ found Lin’s testimony incredible because, among other things, he was
20 unable to explain, the following inconsistencies between his testimony and his airport interview:
21 (1) Li testified that he had fled China because he was being persecuted based on his Christian
22 faith, yet at the airport interview, Li told an inspector that his purpose for coming to the United

1 States was to escape China because of the Chinese government’s crackdown on young Falun
2 Gong practitioners; and (2) at the airport interview, Li told the inspector that if one is a Christian
3 one puts up a cross in his house, and that government officials once came to his house and told
4 his family to take their cross off the wall, yet Li failed to testify about that incident at the hearing
5 when he was asked if the authorities took anything from his house that would symbolize
6 Christianity.

7 The IJ's adverse finding as to Li’s credibility was supported by substantial evidence
8 inasmuch as Li could not answer simple questions about the Bible, even though he claimed that
9 he had studied the Bible for two years in order to become baptized. *Cf. Rizal v. Gonzales*, 442
10 F.3d 84, 90 (2d Cir. 2006). Li further undermined his credibility when he testified that he attends
11 church in the United States, yet was unable to produce any witnesses who could support that
12 assertion. *See Diallo v. INS*, 232 F.3d 279, 287 (2d Cir. 2000) (stating that while “it is
13 inappropriate to base a credibility determination *solely* on the failure to produce corroborative
14 evidence[,] [t]he presence or absence of corroboration may properly be considered in determining
15 credibility” (emphasis added)). These are “specific, cogent reasons” that “bear a legitimate
16 nexus” to the IJ’s adverse credibility finding, regardless of any errors in the IJ’s ruling. *Zhou Yun*
17 *Zhang*, 386 F.3d at 74.

18 Li has not meaningfully challenged the IJ’s denial of his withholding of removal and
19 CAT claims in his brief to this Court. Issues not sufficiently argued in the briefs are considered
20 waived and normally will not be addressed on appeal. *See Yueqing Zhang v. Gonzales*, 426 F.3d
21 540, 542 n.1, 546 n.7 (2d Cir. 2005).

For the foregoing reasons, the petition for review is DENIED. Having completed our review, any stay of removal that the Court previously granted in this petition is VACATED, and any pending motion for a stay of removal in this petition is DENIED as moot. Any pending request for oral argument in this petition is DENIED in accordance with Federal Rule of Appellate Procedure 34(a)(2), and Second Circuit Local Rule 34(d)(1).

FOR THE COURT:
Roseann B. MacKechnie, Clerk

By: _____